

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Nov 4 10 37 AM '94

In the Matter of)
)
Revision of Part 22 of the Commission's)
Rules Governing the Public Mobile Services)
)
Amendment of Part 22 of the Commission's)
Rules to Delete Section 22.119 and Permit)
the Concurrent Use of Transmitters in)
Common Carrier and Non-Common Carrier)
Service)
)
Amendment of Part 22 of the Commission's)
Rules Pertaining to Power Limits for Paging)
Stations Operating in the 931 MHz Band in)
the Public Land Mobile Service)

CC Docket No. 92-115 ✓

CC Docket No. 94-46
RM 8367

CC Docket No. 93-116

ERRATUM

Released: September 21, 1994

On September 9, 1994, the Commission released the full text of a Report and Order in the captioned matter (FCC 94-201). However, there are several errors in this text. These errors are corrected as follows:

1. On page 7, paragraph 8 is corrected by replacing the words "being dismissed" with the words "dismissing them".
2. On page 15, paragraph 28 is corrected by replacing the words "interference service" with the word "interfering".
3. On page 21, paragraph 44 is corrected by replacing the words "(see paras. 68-72)" with the words "(see paras. 67-71), which had".
4. On page 41, paragraph 95 is corrected by replacing the word "frequency" with the word "channel" (two occurrences), and by replacing the word "frequencies" with the word "channels".

5. On page 42, paragraph 96 is corrected by replacing the words "Section of the Act" with the words "Section 405 of the Act".

6. On page 43, paragraph 98 is corrected by replacing the word "frequency" with the word "channel" (two occurrences), and by replacing the word "frequencies" with the word "channels".

7. On page 45, paragraph 101 is corrected by replacing the word "frequency" with the word "channel" (four occurrences), and by replacing the word "frequencies" with the word "channels".

8. On page 46, paragraph 102 is corrected by replacing the word "frequency" with the word "channel".

9. On page 46, paragraph 103 is corrected by replacing the word "frequencies" with the word "channels".

10. On page 46, footnote 181 is corrected by replacing the word "frequency" with the word "channel" (two occurrences).

11. On pages 47 and 48, paragraph 105 is corrected by replacing the word "frequency" with the word "channel" (three occurrences).

12. On page A-4, the paragraph discussing the definition of the term "Channel" is corrected by replacing the words "sentence regarding channels assigned on a paired basis" with the words "definition for the term **"channel pair"**".

13. On page A-6, the second sentence in the third paragraph of the discussion of new § 22.101 is corrected by removing the words "In any event,".

14. On page A-9, the last paragraph in the discussion of new § 22.105 is corrected by replacing the parenthetical expression "(FCC Form 600)" in the first sentence with "(FCC Form 401)" and by removing the words "we are replacing" in the second sentence and adding in their place the words "we have proposed to replace". By way of explanation, earlier this year the Commission proposed, in GN Docket No. 93-252, to replace current FCC Forms 401 and 574 with a single form. The Mobile Services Division staff considered recommending that the Commission adopt in this proceeding rules that would require use of the proposed single form for Part 22 applications. However, the Commission did not decide the single form proposal in this proceeding. Unfortunately, there are several references throughout this release to "FCC Form 600" that were overlooked prior to release.

15. On page A-10, the last sentence in the discussion of new § 22.115 is corrected by replacing the words "FCC Form 600" with the words "FCC Form 401".

16. On page A-11, the paragraph discussing new § 22.122 is corrected by removing the second sentence entirely and by removing the first word "Otherwise," from the third sentence. The Commission did add a new paragraph (d) concerning amendment of cellular unserved area applications, but it was added to new § 22.949, not new § 22.122.

17. On page A-12, the fifth paragraph discussing new § 22.123 is corrected by removing the parenthetical phrase "(noting that FCC Form 401 is being replaced by FCC Form 600)" and by replacing the words "FCC Form 600" appearing later in that same paragraph with the words "FCC Form 401" (three occurrences).

18. On page A-14, the second paragraph discussing new § 22.125 is corrected by replacing the words "FCC Form 600" with the words "FCC Form 401".

19. On page A-20, the discussion of proposed § 22.147 is corrected by adding the expression "[PROPOSED]" following the headnote, by inserting the word "proposed" before the second word in the paragraph "rule", by removing the last sentence referring to an implementation date of January 1, 1995, and by adding a sentence at the end reading: "The Commission did not adopt the proposed rule."

20. On page A-23, the first sentence in the second paragraph of the discussion of new § 22.352 is corrected by adding an "s" to the word "prohibit".

21. On page A-25, in the second paragraph in the discussion of new § 22.367, the misspelled word "Radioteephone" is corrected to read "Radiotelephone".

22. On page A-25, the section number in the headnote for the rule concerning quiet zones is given as "§ 22.368." This is corrected to read "§ 22.369."

23. On page A-25, the second paragraph in the discussion of new § 22.371 is corrected by replacing the garbled phrase "thPart 22 licensees" with the word "they".

24. On page A-26, the discussion of proposed § 22.375 is corrected by adding the expression "[PROPOSED]" following the headnote.

25. On page A-27, the discussion of new § 22.411 is corrected by inserting the word "old" before "§ 22.501(a)(5)(i)" and by replacing the words "FCC Form 600" with the words "FCC Form 401" (five occurrences).

26. On page A-28, the discussion of new § 22.417 is corrected by replacing the words "FCC Form 600" with the words "FCC Form 401".

27. On page A-28, the first paragraph in the discussion of new § 22.507 is corrected by removing the last sentence in that paragraph. This sentence is in error, as the Commission did not adopt its proposal to eliminate the use of multi-channel transmitters.

28. On page A-29, the eighth paragraph in the discussion of new § 22.507 is corrected by replacing the words "FCC Form 600" with the words "FCC Form 401" (two occurrences).

29. On page A-29, the discussion of new § 22.531 is corrected by adding the following sentence to the end of the second paragraph: "We also added a new paragraph (e), which incorporates the U.S.-Canada agreement regarding the assignment of 931 MHz channels near the border." The substance of this sentence was erroneously printed on page A-32 in the discussion of a planned new § 22.553 that was not adopted.

30. On page A-30, in the second paragraph of the discussion of new § 22.537, the misspelled word "noticable" is corrected to read "noticeable".

31. On page A-31, the discussion of new § 22.537 is corrected by removing the hyphen from the commenting party name "Comp Comm" (four occurrences), and by replacing the garbled phrase "cas, however, such as ions" with "cases, however such as applications".

32. On page A-32, the headnote and paragraph concerning a new § 22.553 is removed. This section was not adopted, however, the substance was incorporated as an additional paragraph in new § 22.531.

33. On page A-34, the headnote concerning new § 22.575 is corrected to read as follows: "§ 22.575 Use of mobile channel for remote control of station functions."

34. On page A-34, the paragraph discussing new § 22.577 is corrected by replacing the words "FCC Form 600" with the words "FCC Form 401".

35. On page A-34, the paragraph discussing new § 22.591 is corrected by replacing the words "note indicating" with the words "sentence noting".

36. On page A-37, the first paragraph in the discussion of new § 22.813 is corrected by replacing the garbled words "procedusimilar" with the words "procedures similar".

37. On page A-41, the last sentence in the last paragraph in the discussion of new § 22.911 is corrected by changing the rule reference from "§ 22.911(e)" to "§ 22.911(d)".

38. On page A-42, the discussion for new § 22.936 was inadvertently omitted. This is corrected by adding, after the discussion of new § 22.935 and before the discussion of new § 22.937, the following:

§ 22.936 Dismissal of applications in cellular renewal proceedings.

This new section contains the provisions of old § 22.943. There is no substantive change.

39. On page A-43, the discussion of new § 22.941 is corrected by replacing the words "SID code" with the word "SID" (seven occurrences), by inserting the word "assigned" after the word "additional" in the first sentence of the third paragraph, by inserting the words "or application" after the words "\$ 75 per notification", and by inserting, after the first sentence in the third paragraph, the following sentence: "To obtain an additional unassigned SID, a licensee must apply for it using FCC Form 401." These corrections eliminate inconsistency between the provisions and terminology used in the discussion and those used in the new rule.

40. On page A-43, in the second paragraph of the discussion of new § 22.943, the misspelled word "alientation" is corrected to read "alienation".

41. On page A-43, the headnote of the discussion of new § 22.945 is corrected to read as follows: "§ 22.945 Interests in multiple applications."

42. On page A-44, the second paragraph in the discussion of new § 22.946 is corrected by correcting the spelling of the word "commencement" and by replacing the words "two unaffiliated customers" with the words "one unaffiliated subscriber". The latter correction eliminates inconsistency between the discussion in Appendix A and that in the main text of the Report and Order and the rule in Appendix B.

43. On page A-44, the third paragraph in the discussion of new § 22.947 is corrected by inserting, after the words "We agree" the words ", however, we put this clarification in the definition of **partitioned market** under new § 22.99". This correction eliminates inconsistency between Appendices A and B.

44. On page A-44, the second paragraph in the discussion of new § 22.949 is corrected by removing the word "selection". This correction eliminates inconsistency between the discussion in Appendix A and that in the main text of the Report and Order.

45. On page A-45, the texts of new §§ 22.955 and 22.957 are corrected by reversing the order of the words "located facilities" to read "facilities located".

46. On page B-21, the introductory text of § 22.135 is corrected by inserting at the beginning the following sentence: "Parties are encouraged to use alternative dispute resolution procedures to settle disputes (see Subpart E of Part 1 of this chapter)." This correction eliminates inconsistency between Appendices A and B.

47. On page B-28, the NOTE following paragraph (b) of new § 22.321 is corrected by replacing the words "[effective date]" with "January 1, 1995".

48. On page B-60, paragraph (e) of new § 22.709 is corrected by inserting the following words at the end of the first sentence: "and that there will be adequate spectrum available in the area to meet realistic estimates of current and future demand for paging, two-way mobile and

rural radiotelephone services (see § 22.719(c) of this part)." This correction eliminates inconsistency between the main text of the Report and Order and Appendices A and B.

49. On page B-70, the last sentence of the text of new § 22.863 is corrected by replacing the words "0.1 ppm" with "0.2 ppm".

50. On page B-79, paragraph (d) of new § 22.935 is corrected by inserting, after the sixth sentence, the following sentence: "No further pleadings will be accepted." This sentence was inadvertently omitted during retyping of this rule section.

51. On page B-84, paragraph (a)(2) of new § 22.946 is corrected by replacing the word "when" with the words "no later than 15 days after". This correction eliminates inconsistency between Appendices A and B.

52. On page B-85, paragraphs (d)(1) and (d)(3) of new § 22.949 are corrected by replacing the words "competitive bidding" with the words "random selection". These corrections eliminate inconsistency between the main text of the Report and Order and Appendix B.

53. On pages B-85 and B-86, to eliminate inconsistency between Appendices A and B, new § 22.953 is corrected by removing the word "new" from the introductory text, by replacing, in the introductory text of paragraph (a), the underlined words "Forms, pages and exhibits" with the underlined words "New systems", and by replacing, in paragraph (b), the word "[Reserved]" with the following text:

(b) Existing systems. Applications for changes to existing systems need only contain the form required by paragraph (a)(4) and the exhibits required by paragraphs (a)(5)(i)-(iii).

54. On page C-3, the cross reference table is corrected by removing the lines indicating new §§ 22.147 and 22.167.

55. On page D-1, the name of commenting party number 15 is corrected to read "Hatfield & Dawson, Consulting Engineers".

FEDERAL COMMUNICATIONS COMMISSION



John Cimko
Chief, Mobile Services Division
Common Carrier Bureau